"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2–22–छत्तीसगढ़ गजट/38 सि.से. भिलाई, दिनांक 30–05–2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012–2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 462-अ] रायपुर, बुधवार, दिनांक 9 अक्टूबर 2013—आश्विन 17, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 9 अक्टूबर 2013

क्रमांक 2527/डी. 278/21-अ/छ. ग./13.— भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक 2(12)/13-Leg.I/ नई दिल्ली, दिनांक 30-09-2013 के अनुसरण में दि इंडियन मेडिकल कौंसिल (अमेंडमेंट) सेकंड आर्डिनेंस, 2013 (क्रमांक 11 सन् 2013) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 28th September, 2013/Asvina 6, 1935 (Saka).

THE INDIAN MEDICAL COUNCIL
(AMENDMENT) SECOND ORDINANCE, 2013
No. 11 of 2013

Promulgated by the President in the Sixty-Fourth Year of the Republic of India.

An Ordinance Further to amend the Indian Medical Council Act, 1956.

WHEREAS the Indian Medical Council (Amendment) Ordinance, 2013 was promulgated by the President on the 21st day of May, 2013 ;

AND WHEREAS the Indian Medical Council (Amendment) Bill, 2013 with certain modifications was introduced in the Council of States to replace the said Ordinance, which has not been passed and is pending in that House ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance with certain modifications ;

NOW, THEREFORE, in exercise of the powers conferred by clause *(1)* of article 123 of the Constitution, the President is pleased to Promulgate the follwing Ordinance :-

CHAPTER I
PRELIMINARY

Short tittle and commencement.

1. *(1)* This Ordinance may be called the Indian Medical Coucil (Amendment) Second Ordinance, 2013.

(2) It shall be deemed to have come into force on the 15th day of May, 2013.

Amendment of long title.

2. In the indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), for the long title, the following long titile shall be substituted, namely:— 102 of 1956.

"An Act to provide for the constitution of the Medical Council of India and for the determination, co-ordination, maintenance and regulation of standards of medical education, the practice of medicine, maintenance of Indian Medical Register and to make endeavour in making available doctors in all States and for matters connected therewith or incidental thereto.".

Amendment of section 2.

3. In section 2 of the principal Act, in clause (*1*), after the words "a medical faculty", the following shall be inserted, namely:—

"but does not include Deemed University for the purpose of section 3 of the Act".

Amendment of section 3.

4. In section 3 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

(*aa*) one member, to represent the Union territories by rotation, to be nominated by the Central Government;";

(*ii*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) one member from each University, to be elected from amongst the members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate, by members of the Court or in case the University has no Court, a body equivalent to the Senate or the Court:

Provided that where there is Health University in a State, the Senate of the Health University or in case the Health University has no Senate, by members of the Court or in case the University has no Court, a body equivalent to the Senate or the Court of that University, shall elect one representative for every ten medical colleges affiliated to it, from amongst the medical faculty of those medical colleges, to represent such medical colleges:

Provided further that a Health University with less than ten medical colleges affiliated to it, shall also be eligible to elect one representative to represent such medical colleges:

Provided also that such number of reprsentatives shall be reviewed by the Central Government after every four years;";

(*iii*) clause (*d*) shall be omitted;

(*b*) in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that no person shall hold office as the President or, as the case may be, the Vice-President for more than two terms.".

Insertion of new section 3AA.

5. After section 3A of the principal Act, the following section shall be inserted, namely:—

Reconstitution of Council.

"3AA. The Central Government shall, after the commencement of the Indian Medical Council (Amendment) Second Ordinance, 2013, reconstitute the Council, by notification in the Official Gazette, and publish the names of the members nominated or elected to the Council under sub-section (*1*) of section 3 within a period not exceeding one hundred and eighty days:

Provided that the Board of Governors constituted under sub-section (*4*) of section 3A shall continue to exercise the powers and perform the functions of the Council till the new Council is reconstituted or for such period not exceeding one hundred and eighty days, whichever is earlier.".

6. In section 4 of the principal Act, in sub-section (*1*),—

Amendment of section 4.

(*a*) the words, brackets and letter "or clause (*d*)" shall be omitted;

(*b*) the words, brackets, letter and figures "and any rules so made provide that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, the members referred to in clause (*d*) of sub-section (*1*) of section 3 may be nominated by the Central Government instead of being elected as provided therein," shall be omitted.

7. In section 7 of the principal Act,—

Amendment of section 7.

(*a*) in sub-section (*1*), for the words "five years", the words "four years" shall be substituted;

(*b*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) Subject to the provisions of the Act, a member, whether nominated or elected, shall hold office for a term of four years.";

(*c*) in sub-section (*6*), for the words "five years", the words "four years" shall be substituted.

8. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 9A.

Functions of Council.

"9A. (*1*) The Council shall, subject to the provisions of the Act and rules made thereunder, take measures to determine, coordinate and maintain the standards of medical education and practice in medicine, the Indian Medical Register and make endeavour in making available doctors in all States.

(*2*) Without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (*1*), may, *inter alia*, provide for all or any of the following matters, namely:—

(*a*) lay down the standards of professional ethics in the practice of medicine;

(*b*) grant or withdraw permission for establishment of medical college and course of study in medical education and ensure compliance of its terms and conditions for such permission;

(*c*) maintain the Indian Medical Register;

(*d*) render advice to the Central Government or the State Government on matters relating to the medical education and practice in medicine;

(*e*) facilitate medical education in the institutions situated outside the country;

(*f*) undertake and recommend to the Central Government or the State Government such measures as may be necessary to regulate medical education in or outside the country;

(*g*) organise seminars, symposiums and workshops in order to promote continuous medical education and practice in medicine; and

(*h*) perform such other functions as may be laid down in the rules made by the Central Government.".

9. In section 13 of the principal Act,—

Amendment of section 13.

(*a*) in sub-section (*2*) and (*3*), for the words "a citizen of India", the words "a citizen of India or an overseas citizen of India" shall respectively be substituted;

(*b*) in sub-section (*4A*), for the words "a citizen of India", the words "a citizen of India or an overseas citizen of India" shall be substituted;

(*c*) sub-section (*4B*) and the proviso relating thereto shall be omitted;

(*d*) in sub-section (*4C*), for the words, brackets, figures and letters "sub-sections (*4A*) and (*4B*)", the word, brackets, figure and letter "sub-section (*4A*)" shall be substituted;

(*e*) after sub-section (*5*), the following Explanation shall be inserted, namely:—

'*Explanation*.—For the purposes of this section, the expression "overseas citizen of India" shall have the meaning assigned to it in clause (*ee*) of sub-section (*1*) of section 2 of the Citizenship Act, 1955.'.

57 of 1955.

Amendment of section 14.

10. In section 14 of the principal Act, in the proviso to sub-section (*1*), the words "for the time being for the purposes of teaching, research or charitable work" shall be omitted.

Amendment of section 21.

11. In section 21 of the principal Act,—

(*a*) in sub-section (*1*), for the words "the names", the words "the names and biometric details" shall be substituted;

(*b*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

'(*2A*) The Council shall, in addition to the Indian Medical Register referred to in sub-section (*1*), maintain the Medical Register in electronic form containing the particulars included in the Indian Medical Register.

Explanation.—For the purpose of this sub-section, the expression, "electronic form" shall have the meaning assigned to it in clause (*r*) of sub-section (*1*) of section 2 of the Information Technology Act, 2000.'.

21 of 2000.

Insertion of new section 30A.

12. After section 30 of the principal Act, the following section shall be inserted, namely:—

Resignation, removal and suspension of President, Vice President or members of Council.

"30A. (*1*) The President, Vice-President or any member of the Council may, by notice in writing under his hand addressed to the Central Government, resign from his office:

Provided that the President, Vice-President or any member of the Council shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of a period of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Central Government may remove from office the President, Vice-President, or any member of the Council, who—

(*a*) has been adjudged as an insolvent; or

(*b*) has become physically or mentally incapable of acting as such President, Vice-President, or other member; or

(*c*) is of unsound mind and stand so declared by a competent court; or

(*d*) has been convicted of an offence involving moral turpitude; or

(*e*) has acquired such financial or any other interest in any medical institution falling within the purview of the Council, which is likely to affect prejudicially the exercise of his functions as the President, Vice President, or a member; or

(*f*) is unable to perform or has made persistent defaults—

(*i*) in the performance of the duties imposed on him under this Act or has exceeded or abused his position; or

(*ii*) either wilfully or without sufficient cause neglects to comply with the directions issued by the Central Government under sections 33A and 33B; or

(*g*) has been guilty of proved misbehaviour or his continuance in office would be detrimental in public interest.

(*3*) No person shall be removed from his office on the grounds specified in clause (*e*) or clause (*f*) or clause (*g*) of sub-section (*2*), unless he has been given a reasonable opportunity of being heard in the matter.".

Amendment of section 32.

13. In section 32 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of election of the Council under sub-section (*1*) of section 4;

(*b*) such other functions of the Council under clause (*h*) of sub-section (*2*) of section 9A as may be laid down by the Central Government;

(*c*) the conditions and payment of fees for filing of an appeal before the Central Government under sub-section (*2*) of section 24;

(*d*) any other matter which is required to be, or may be, provided by rules or in respect of which provision is to be made by rules.".

Amendment of section 33.

14. In section 33 of the principal Act, for clause (*ma*), the following clause shall be substituted, namely:—

"(*ma*) the modalities for conducting screening test under sub-section (4A) of section 13;".

Insertion of new sections 33A, 33B and 33C

15. After section 33 of the principal Act, the following sections shall be inserted, namely:

Power of Central Government to give directions.

"*33A.* Without prejudice to the foregoing provisions of this Act, the Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time, and the question whether the direction given is one of policy or not shall be decided by the Central Government.

Powers of Central Government to direct regulations to be made or to make or amend regulations.

33B. (*1*) Where the Central Government considers it expedient so to do, it may, by order in writing, direct the Council to make any regulations or to amend or revoke any regulations already made by it, within such period as the Central Government may specify in this behalf.

(*2*) If the Council fails or neglects to comply with such order within the specified period, the Central Government may make the regulations or amend or revoke the regulations made by the Council, as the case may be, in such manner as the Central Government thinks fit.

Laying of rules and regulations

33C. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more

successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or both Houses agree that the rule and regulation should not be made, the rule and regulation shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule or regulation.".

Validation and savings

16. Notwithstanding the fact that the Indian Medical Council (Amendment) Ordinance, 2013 has ceased to operate, anything done or any action taken or purported to have been done or taken or any permission or direction given under the said Ordinance shall be deemed to have been done, taken or given under the corresponding provisions of this Ordinance.

Ord. 4 of 2013.

PRANAB MUKHERJEE
President.

P.K. MALHOTRA,
Secy. to the Govt. of India.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2013.